

MHGO070002542026



**Cri. Misc. Appl. No.17/2026**  
**Santoshkumar Singh Vs. State + 1**

**Order Below Exh.1**  
**( Passed on this 10<sup>th</sup> day of April, 2026 )**

1. Offence is registered vide crime no. 99/2026 punishable under section 11(1)d, 11(1)(e) and 11(1)(f) of the Prevention of Cruelty to Animals Act, 1960 by Deori Police Station, Deori, Tq. Deori, Distt. Gondia. After perusal of First information Report, it appears that 13 cattle having black-white colour are seized by Investigating officer, P. S. Deori.
2. The applicant moved application under section 503 of Bhartiya Nagrik Suraksha Sanhita for releasing 13 cattle having black-white colour. (Hereinafter it is called as 'animals') on supratnama. The applicant further submitted that he is owner of the said seized animals. He is doing business of Dairy Farm and purchased animals for said purpose. Therefore, the applicant as owner is ready to receive said seized animals on supratnama. The applicant is also ready to abide by all the conditions imposed by this Court. Hence, prayed to release the said seized animals on suparatnama.
3. The investigating officer filed his say and submitted that the said animals are handed over to Laxmi Goushala Charitable Trust, Chutiya, Taluka and Distt.- Gondia. The I. O. has

..2..

filed his objection to release the said animals on supratnama of the applicant. Learned APP Smt. R. S. Sangidwar filed her say and prayed to reject the application.

4. Notice to the applicant no. 2 has been served through Posts by the applicant as per online postal tracking report on 4/4/2026. However, after receipt of the notice, neither he appeared before the Court nor filed his say on the said application.

5. Heard Learned Advocate Shri S. K. Mansuri for the applicant and Learned APP Smt. R. S. Sangidwar for the State.

6. The applicant has filed documents i.e. photo copy of affidavit, dated 26/02/2026 of the applicant, certificate issued by Additional Deputy Director, Disease Investigation Lab, Rajnandgaon (C.G.), letter issued by Veterinary officer, Rajnandgaon, verified copy of Adhar card of applicant, F.I.R. dated 27/02/2026, postal receipt dated 27/03/2026 along with tracking report dated 4/4/2026, photocopies of diary name Nandini Diary and record of rights of Survey No. 230.

7. Perused the supratnama application, say of Learned APP and I. O. and documents filed by the applicant. After perusal of FIR, which shows that investigation officer has seized 13 animals including three calves having black-white colour, two bullocks having black colour and eight cows having black colour along with one truck bearing No. KA-32/C-7972. It shows that all these animals are hybrid. Further, the documents i.e. affidavit of the applicant, certificate and letter of Veterinary officer submitted

by the applicant reveals that he has purchased these animals on 26/02/2026 from Baba Dairy Farm, Pendri, Rajnandgaon (C.G.) for the purpose of milk production. So also, applicant has submitted the documents along with pursis i.e. document of Nandini Dairy and record of rights of Survey No. 230 which show that he is doing business of selling of milk. Applicant himself submitted on his affidavit that said hybrid animals have been transported solely for the purpose of his business i.e. production and selling of milk. Neither the FIR nor the say of I.O. contended that said animals were transported for the purpose of slaughtering or for any other illegal purpose. However, it is the contention of Learned APP and I.O. that animals were found in cruelty while transporting in the vehicle. It is to be noted that it is the bounden duty of the owner to take every care and caution of the animals while transporting them and necessary arrangement of food and water has to be made available for the animals, so that cruelty shall not be committed. Further, such transportation of animals should be made as per rules prescribed under the Transport of Animal (Amendment) Rules, 2001 and in any other law for the time being in force.

**8.** I have gone through the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules 2017. Rule 5(1) of the Rules of 2017 mandates that, the Magistrate while handing over the custody of the animals to the Goushala, shall determine the reasonable amount and cost incurred and anticipated to be incurred for transport, maintenance and treatment of the animals and shall direct the accused and the

..4..

owner to execute a bond of determined value with surety within three days and on its failure, the animals stands forfeited to Goushala. The said Rule never cast any obligation upon the vehicle owner. Therefore, he is liable to pay costs of animals in view of circular Dt. 02-07-2019, issued by the Maharashtra Animal Welfare Board, expenses of per cattle is fixed at Rs. 200/- per day. In citation namely Mohammad Razique Mohammad Sabir Vs. State of Maharashtra CRWP No. 304/2022, wherein Hon'ble Bombay High Court, Nagpur Bench ordered that "(i) Petitioners shall deposit the respective amount at the rate of Rs. 200/- per cattle per day for the period of 10 days, during which the Magistrate if not already passed order, shall pass appropriate orders in terms of Rule 5(1) of the Rules of 2017." Thus, the applicant being owner of animals can be held liable to pay said costs for the aforementioned period of 10 days.

9. From the affidavit of applicant and a certificate issued by Additional Deputy Director, Disease Investigation Lab, Rajnandgaon (C.G.) stating therein that the applicant has purchased the said animals from Baba Diary Farm, Pendri (Rajnandgaon), the applicant appears to be owner of seized animals. The trial would not be concluded in near future. As the applicant shown his ownership over the seized animals, he is entitled for possession of the same subject to paying cost of 13 animals for 10 days from the date of seizure of animals. In the result, I pass the following order:-

**ORDER**

(1)	The application is allowed as follows :
(2)	The applicant shall deposit cost of Rs. 200/- per animal per day for the period of 10 days from the date of seizure of animals directly with Laxmi Goushala Charitable Trust, Chutiya, Taluka and Distt.- Gondia. and obtain receipt thereof.
(3)	After showing receipt of cost of animals to I.O., interim custody of 13 animals be handed over to the applicant <b>Santosh Kumar Singh N s/o Nanda Ram Singh</b> till conclusion of the trial on executing indemnity bond of Rs. 3,70,000/-. The applicant is directed to submit indemnity bond before I. O. and said indemnity bond shall be filed along with charge-sheet.
(4)	The I. O. is directed to take photographs of seized animals before handing over it to the applicant and prepare detail panchanama of animals and shall keep in identification condition by tagging them with the help of Veterinary Doctor and thereafter release the said animals by verifying the applicant. The said panchanama should be attached with the chargesheet.
(5)	The applicant to undertake that, he shall not sell, transfer, misuse and change the seized animals till conclusion of trial. The applicant shall maintain the muddemal in all respects.

(6)	The applicant to produce said animals as and when directed by the Court.
(7)	The applicant shall undertake that he shall not use the seized animals in future for any illegal purpose and if seized animals are died naturally then applicant shall immediately inform this Court.
(8)	The applicant is directed to strictly follow the Rules specifically mentioned in Transport of Animal Rules, 1978 and (Amendment) Rules, 2001 while transporting the seized animals as per this order and seized animals shall not be subjected to any kind of cruelty during transportation.
(9)	If applicant shall commit breach of above mentioned conditions, the accumulated indemnity bond shall be forfeited and amount shall be credited to the Government.
(10)	Issue letter to the concerned Police Station accordingly and concerned clerk of this Court directing him to file this order along with the chargesheet.

(V. S. Mendhe)

Judicial Magistrate First Class,

Deori

Date : 10.04.2026

**प्रमाणपत्र**

मी अधिकथन करते की, या पी.डी.एफ. करुन अपलोड केलेल्या न्यायनिर्णयामधील शब्द-नि-शब्द हे मूळ न्यायनिर्णयाप्रमाणे आहेत.

लघुलेखकाचे नाव	:	संजीवन वामन मळामे ,
न्यायालयाचे नाव	:	श्रीमान व्ही. एस. मेंढे, न्याय दंडाधिकारी प्रथम वर्ग, देवरी.
न्यायनिर्णयाची तारीख	:	१०/०४/२०२६
न्यायनिर्णयावर पीठासीन अधिकारी यांनी	:	१०/०४/२०२६
स्वाक्षरी केल्याची तारीख	:	
न्यायनिर्णय अपलोड केल्याची तारीख	:	१०/०४/२०२६